

REMARKS

Claims 26-44 are pending in the present application. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

Claims 26-32, 34-41, and 43-44 were rejected under 35 U.S.C. §102(b) as being anticipated by Czerwiec (U.S. Patent No. 5,903,372). Claims 33 and 42 were rejected under 35 U.S.C. §103 as being unpatentable over Czerwiec in view of Briggs (U.S. Patent Application Publication No. 2004/0049795). These rejections are respectfully traversed for the following reasons.

Each of the independent claims has been amended to more clearly define the claimed invention. The amendment is supported by the original specification, claims and drawings. For example,

- selection of DABT is mentioned on page 6, line 1;
- possible two compositions of the second plurality of communication devices are mentioned: on page 5, lines 12-15; page 5, lines 18-23 and page 6, lines 12-16, page 15, lines 26-28 and page 16, lines 3-6. Fig 3 and the corresponding description also supports the amendment performed in the 3rd and 4th paragraphs of Claim 26.

Applicant's remarks in the previous response are incorporated by reference. Applicant maintains its assertions that the claims are patentable over Czerwiec for the reasons set forth in that response. Additionally, Applicant submits the following remarks.

In the "Response to Arguments" section, when the Examiner contends that Applicant's distinctive "Feature1" (determining an advanced broadband

technology to be produced by the distribution unit as a minimal default technology) is taught by Czerwiec, the Examiner says:

Czerwiec in col. 2, lines 9-36 teach of providing the customers with voice services as well as video services. Here the default technology would be the POTS technology which only handles voice and the more advanced technology would be the video service.

However, Applicant invention, and the claims set forth in this application, is claiming something exactly the opposite! According to the inventive concept, Applicant's ***minimal default technology (service) will always be any advanced broadband technology***, for example video, ***but never a narrowband voice service!*** "The more advanced broadband technology" in Applicant's concept should be ***even more advanced broadband technology than the DABT technology.*** (Supported by the original description). This has been clarified in the amended claims.

Further, in the "Response to Arguments", the Examiner says that hardwired video cards and switchable video cards of Czerwiec (citing to col. 2, lines 50-55) are substantially uniform communication devices. While Applicant disagrees, to advance prosecution, Applicant proposes to clarify the claims by defining that the plurality of these communication subscribers use either the DABT technology only, or the DABT and an advanced broadband technology that is more advanced than said DABT. This amendment clearly differs this feature from the of Czerwiec.

Still further, when discussing Applicant's distinctive feature of an "individual permanent communication link", the Examiner asserts that

Czerwiec in col. 2 lines 10-14 teaches a single twisted wire pair being used to connect the subscribers and the ONU, which would be the individual permanent communication link.

Applicant respectfully submits that Czerwiec does not teach permanent communication links which serve for providing advanced broadband technology to any one of respective subscribers as a minimal default technology. Czerwiec, in col. 2, lines 10-14, only describes "an apparatus for distribution of video and telephony services on a single twisted wire pair to each of a plurality of subscribers, includes ONU connected by means of an optical fiber to a remote terminal." According to the cited text, the single twisted pair is just used for both voice and video services, but the text says nothing about "permanent character" of the single twisted pair.

Moreover, when Czerviec speaks about switchable video cards (col. 2, lines 45-48), it is understood that they can be switched from one subscriber to another, so the communication link in this case will not be permanent for each and any of the subscribers.

The present invention does not use switchable communication devices (cards); to the contrary, Applicant's invention involves the concept of using maximally uniform collection of cards to maximally simplify the structure of the distribution unit (street cabinet), while making it technologically advanced and ready for providing advanced services to subscribers.

In summary, as discussed above, and in the previous response,

1. the feature of selecting a minimal default advanced broadband technology **DABT** for a distribution unit (ONU) **is absent from Czerwiec,**
2. the feature of installing **uniform, the DABT enabling cards in the ONU** for serving all the subscribers, irrespective of the subscribers'

present agreements with a service provider and without the hardly limiting need to select a proportion between different kinds of cards when arranging ONU **is absent from Czerwiec**;

3. the feature of ***individual permanent communication link*** between **any** subscriber and its ONU card, which link allows providing to the subscriber broadband services at least up to DABT at any time the subscriber requires and without any dependence on availability/accessibility of additional/alternative video, etc. cards **is absent from Czerwiec**.

Since Czerwiec does not teach each of the claimed limitation set forth in the independent claims 26, 30, 35, and 44, Czerwiec does not anticipate the claims. For at least these reasons, Applicant respectfully submits that claims 26, 30, 35, and 44 are patentable over the prior art of record. Briggs does not satisfy the deficiencies noted above with respect to claims 26, 30, 35, and 44. Accordingly, claims 27-29, 31-32, 36-41 and 43, as well as claims 33 and 42, are believed to be patentable over the prior art of record in and of themselves and for the reasons discussed above with respect to claims 26, 30, 35, and 44.

In view of the above amendment and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of record. Applicant submits that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

If the Examiner has any questions, he is invited to contact the undersigned at 202-628-5197.

Appln. No. 10/587,938
Amdt. dated February 1, 2010
Reply to Office action of October 30, 2009

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /Ronni S. Jillions/
Ronni S. Jillions
Registration No. 31,979

RSJ:me
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\E\ec\Stein12\pto\2010-02-01Amendment.doc